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10/566,220	01/26/2006	Christine Linke	2003P01144WOUS	3728

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INTELLECTUAL PROPERTY DEPARTMENT
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EXAMINER

WILKENS, JANET MARIE

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3637

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/566,220
Filing Date: January 26, 2006
Appellant(s): LINKE ET AL.

Andre Pallapies
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed November 17, 2010 appealing from the Office action mailed July 13, 2010.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 19-23, 25-36 and 38-40 are pending in the case with claims 19, 21-23, 25, 27-29 and 31-36 being rejected.

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2,385,961	Anderson	10-1945
3,733,749	Parera	5-1973

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claims 19, 21, 22, 23, 25, 27, 28, and 31-36 are rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (2,385,961). Anderson teaches a refrigerator (Fig. 1) comprising: a housing (1,7) having at least two housing parts, including a body (1) and at least one door (7) hinged to the body; the housing enclosing a heat-insulated interior compartment; the housing having a door safety catch (see Fig. 3) including a catch

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element (38,28,35) with two sloping faces (on 35 adjacent 38) pivotably mounted against a restoring force (spring 34,40) on a first housing part (the door and its features) and a projection (4-6) with two sloping faces (on 5 and 6) mounted on a second housing part (the body) cooperating with the catch element; and a shaft (27) about which the catch element can be pivoted mounted in the first housing part while crossing a side wall (top wall 24) of the first housing part. The catch element is located in the housing (in housing 24-26 of the first housing part/door and in the door housing) and also the projection is fixed on a door bearing (3). Furthermore, a section of said shaft (top end portion) engages the side wall (24) of the first housing part via a receiving portion (opening) and the shaft is mounted on the side wall in a configuration in which the shaft crosses it (see Fig. 5).

Claim 29 is rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson in view of Parera (3,733,749). As stated above, Anderson teaches the limitations of claims 19 and 27, including a door, housing, hinges and safety catch. For claim 29, Anderson fails to teach that the hinges and safety catch between the door and housing can be reversed. Parera teaches reversible hinges between a housing and door (Figs. 5 and 6). It would have been obvious to one having ordinary skill in the art at the time of the invention to reverse the hinge arrangement and therefore also the safety catch arrangement of Anderson, such as is taught by Parera, depending on the desired need on the person using the housing, e.g. depending on the housing and door's position in the room in which they are located (in which way would it be practical to have the door open), personal preferences, etc.

(10) Response to Argument

Addressing the arguments concerning the reference of Anderson'961: the examiner contends that Anderson'961 teaches all of the limitations set forth in the claims, including a catch element (38,28,35) with a shaft (27) about which the catch element can be pivoted and that is mounted in a first housing part (the door) while crossing a side wall (top wall 24 found in the door) of the first housing part. Furthermore, a section of said shaft (top end portion) engages the side wall (24) of the first housing part via a receiving portion (opening) and the shaft is mounted on the side wall in a configuration in which the shaft crosses it (see Fig. 5). Namely, the catch element is rotated so that it moves across the surfaces of members 24 and the top of the door and the shaft is mounted to and intersects/runs counter to members 24. Finally, members 24 can be considered side walls of the door. These members act as barriers, define a space there between and form part of a housing for the latch and are located in the door. Note: "a side wall" of a door is not limited to the exterior walls thereof. Rather, "side wall" can also be applied to walls inside the door itself; thus, taking a broader view of the term than argued by appellant.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

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For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/Janet M. Wilkens/

Primary Examiner, Art Unit 3637

Conferees:

Darnell Jayne /dj/

Hanh Tran /HVT/